

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DEBORAH K. RUSSELL, *et. al.*,

Plaintiffs,

v.

Case No. 14-13134
Hon. Lawrence P. Zatkoff

SANILAC COUNTY, *et. al.*,

Defendants.

ORDER

On August 14, 2014, Plaintiffs filed this action against Defendants alleging several violations of the United States Constitution. Although Plaintiffs named several state-actors as Defendants, they also named two Defendants who are not identified as state-actors: Patrick R. Quintano, Sr., and Jeanette Tropf-Quintano. Plaintiffs' complaint does not provide legal authority for the proposition that their constitutional claims are applicable to the non-state-actor Quintano-Defendants (the "Quintano-Defendants"). Therefore, on September 8, 2014, the Court ordered Plaintiffs to show cause as to whether this Court has jurisdiction over the Quintano-Defendants. In their response to the show cause order, Plaintiffs contend the Court has subject-matter jurisdiction over the Quintano-Defendants pursuant to 28 U.S.C. § 1331 on the grounds that they conspired with the state-actor Defendants when they "were given authority of custody and care of the [minor children] by [state-actor Defendants] by means of executing a Power of Attorney, making Quintano Defendants state actors in part." Despite the allegations therein, Plaintiffs' response—like their complaint—fails to provide legal authority for the proposition that their constitutional claims are applicable to the Quintano-Defendants. Consequently, the Court is not persuaded that it has subject matter-jurisdiction over the Quintano-Defendants.

Accordingly, IT IS HEREBY ORDERED that Defendants Patrick R. Quintano, Sr., and Jeanette Tropf-Quintano, are DISMISSED without prejudice.

IT IS FURTHER ORDERED that the Court's order to show cause [dkt 4] is dismissed.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff

Date: October 9, 2014

Hon. Lawrence P. Zatkoff

United States District Judge